IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTIETH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 6816 of 2005

Between:

S.Ramana, S/o. Marenna,
E.No.426063, H.No.81-194-2-8, Sharif Nagar, Parvathi Nagar,
Kurnool, Kurnool District.

..... PETITIONER

AND

1. The Regional Manager, APSRTC, Kurnool Region, Kurnool

District.

2 The Depot Manager, APSRTC, Adoni Bus Depot, Kurnool

District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of a Writ of Mandamus declaring the action of the 2nd respondent in deleting the petitioner's name from the selection list as illegal, unjust, amounts to an act of victimization and unfair labour practice and also violative of Article 14,16 and 21 of Constitution of India and consequently direct the respondents to reinstate the petitioner into service with all consequential benefits.

Counsel for the Petitioner:MR.G.RAVI MOHAN

Counsel for the Respondent Nos.1 and 2: MR.P.VINAYAKA SWAMY

(SC FOR APSRTC)

The Court at the admission stage made the following O R D E R:

Petitioner contends that he was appointed as driver in the respondent-Corporation. He contends that as he fell sick on 26.08.2000 and was advised to take rest, he could not attend duty. Thereafter, the second respondent without issuing any notice or without conducting any enquiry, deleted the name of the petitioner from the approved panel of selected candidates. The petitioner, therefore, approached this Court through this writ petition, seeking a direction to the respondents to restore his name in the list of selected candidates and reinstate him into service.

It is an undisputed fact that the petitioner was selected on the basis of regular selection. His services were being utilized as a casual driver as and when required. Under the similar circumstances, a Division Bench of this Court in Writ Appeal No.1259 of 2003 dated 29.08.2003, upheld the order of the learned Single Judge, who held that it is not permissible for the Corporation to remove the name of the workman from the selected list, when the selection was made through a regularly constituted board.

The respondents could not place any material to show whether any prior notice was issued or any enquiry was conducted against the petitioner for his unauthorized absence. In the absence of issuing prior notice or conducing any enquiry, deleting the name of the petitioner from the list of selected candidates cannot be sustained.

In the light of the above circumstances, the impugned proceedings of the respondent are set aside. Respondent is directed to restore the name of the petitioner into the list of selected candidates and allow him to discharge his duties.

The writ petition is accordingly allowed. However, this order does not preclude the respondent in taking appropriate action against the petitioner in accordance with the regulations of the Corporation. No order as to costs.

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(K.C.BHANU,J)

Dt:30th March, 2005

Usd

To

1. The Regional Manager, APSRTC, Kurnool Region, Kurnool District.
2 The Depot Manager, APSRTC, Adoni Bus Depot, Kurnool District.

3 Two CD copies.